



2. In fact, Relator served no Defendants by March 9, 2012. Defendants Inspiris Hospice LLC, Inspiris Inc, WellMed Medical Management were never served or contacted by the Relator regarding service. Rather, these defendants made a voluntary appearance and filed a motion to dismiss.<sup>2</sup> (Dkt. #44). Defendants Vitas Healthcare and related entity and Keith Becker filed an agreed motion to extend time for Relator to serve them until June 30, 2012. (Dkt. # 49).

3. Finally, it appears, based on the docket sheet and the lack of any return of service being filed with the Court, that Defendants Care Level Management, LLC<sup>3</sup> and Justo Cisneros have never been served or contacted by the Relator regarding service. As such, Defendants respectfully suggest that Defendants Care Level Management, LLC and Justo Cisneros should be dismissed by this Court for the Relator's failure to comply with this Court's Order (Dkt. #41) to serve all defendants by March 9, 2012.

### **CONCLUSION**

For all of the foregoing reasons, Defendants respectfully suggests that Defendants Care Level Management, LLC and Justo Cisneros should be dismissed by this Court for the Relator's failure to comply with this Court's Order (Dkt. #41) to serve all defendants by March 9, 2012.

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<sup>2</sup> Rather than respond to the motion to dismiss, Relator filed a voluntary dismissal as to these defendants. (Dkt. #52).

<sup>3</sup> Relator's Complaint incorrectly alleges that Care Level Management, LLC ("CLM") is somehow owned and/or operated by Inspiris. In fact, Inspiris has never held any ownership in this entity. Rather, Inspiris purchased some of CLM's assets (and none of its debts) out of a bankruptcy estate sale. The bankruptcy matter is *In re Care Level Magt. Group, LLC et al.*, No. 1:08-bk-12913MT, in the United States District Court, Central District of California.

Dated: April 16, 2012

Respectfully submitted,

**FISH & RICHARDSON P.C.**

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Management

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served upon all counsel of record on April 16, 2012:

/s/ Victor C. Johnson

Victor C. Johnson